

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	4:03CR3064
v.	)	
	)	
JACK W. POPEJOY,	)	
	)	ORDER
Defendant.	)	
_____	)	

IT IS ORDERED:

1. A hearing on defendant's § 2255 claim that he was denied effective assistance of counsel because his trial attorney failed or refused to file an appeal is set for October 4, 2005 at 1:30 p.m. for a duration of three hours.

2. The marshal is directed to secure the presence of defendant for the hearing.

DATED this 12<sup>th</sup> day of September, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge